

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF WILLMAR, MINNESOTA AMENDING CHAPTER 3, ALCOHOLIC BEVERAGES, ARTICLE III, SALE OF INTOXICATING LIQUOR FOR ON-PREMISES CONSUMPTION, DIVISION 2, LICENSE, SECTION 3-137, BREWER TAPROOM LICENSES, AND ADOPTING A NEW SECTION 3-138, BREW PUB LICENSES

The City Council of the City of Willmar hereby ordains as follows:

Section 1. AMENDMENT OF MUNICIPAL CODE SECTION 3-137. Chapter 3, Article III, Division 2, Section 3-137 of the Willmar Municipal Code is hereby amended as follows (deleted material is crossed out; new material is underlined; sections and subsections not being amended are omitted):

Sec. 3-137. - Brewer taproom licenses.

- (a) *Definition.* A brewer taproom license shall mean a license authorizing the on-sale of malt liquor produced by a brewer for consumption on the premises of or adjacent to one (1) brewer location owned by the brewer, pursuant to Minn. Stat. § 340A.26, as the same may be amended from time to time.

* * * *

- (b) *Issuance of license; fee; conditions of license.* Brewer taproom licenses may be issued to the holder of a brewer's license under Minn. Stat. ~~M.S.A.~~ § 340A.301, subd. 6, clause (c), (i) or (j). Said license may be issued without regard to the limitations contained in sections 3-113 and 3-114 and are subject to the following conditions:

* * * *

- (4) A brewer may only hold one (1) brewer taproom license under this section, and may not have an ownership interest in a brew pub.

* * * *

- (8) All other provisions of Minn. Stat. § 340A.26, as the same may be amended from time to time, shall be applicable to such licenses and licensees.

- (c) Nothing in this section shall preclude the holder of a brewer taproom license from also holding a license to operate a restaurant at the taproom location.

Section 2. ADOPTION OF MUNICIPAL CODE SECTION 3-138. Chapter 3, Article III, Division 2, of the Willmar Municipal Code is hereby amended by adding a new Section 3-138, to read in its entirety as follows:

Sec. 3-138. – Brew pub licenses.

- (a) *Definition.* A brew pub license shall mean a license authorizing the on-sale of intoxicating or 3.2 percent malt liquor for a restaurant operated on a brewer's

premises of manufacture (or “brew pub”) pursuant to Minn. Stat. § 340A.24, as the same may be amended from time to time.

- (b) *Issuance of license; fee; conditions of license.* Brew pub licenses may be issued if the brew pub meets the following criteria:
- (1) The annual license fee for a brew pub license, as established in the fee schedule kept on file in the office of the city clerk-treasurer, shall be paid.
 - (2) The brew pub possesses a liquor brewing/manufacturer license issued by the State of Minnesota.
 - (3) The brew pub manufactures fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, for consumption on the premises or for off-sale from the premises.
 - (4) The brew pub does not have an ownership interest, in whole or in part, in any other licensed intoxicating liquor or malt liquor manufacturer, brewer, importer or wholesaler, except for a similarly licensed restaurant-based brew pub. In addition, the licensee cannot be an officer, director, agent, or employee of a licensed manufacturer, brewer, importer, or wholesaler.
 - (5) Retail sales under a brew pub license may not exceed 3,500 barrels per year, provided that off-sales, when applicable, may not total more than 750 barrels.
- (c) *Off-Sale license; fee; conditions of license.* With the consent of the State of Minnesota, the City may, in addition to an on-sale license, issue a brew pub an off-sale intoxicating liquor or 3.2 percent malt liquor license for the off-sale of malt liquor produced and packaged on the licensed premises. Such brew pub off-sale licenses are subject to the following conditions:
- (1) Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brew pub is located.
 - (2) The malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores, except that malt liquor in growlers only may be sold at off-sale on Sundays.
 - (3) Sunday sales must be approved by the licensing jurisdiction and hours may be established by those jurisdictions.
 - (4) Packaging of malt liquor for off-sale under this subdivision must comply with Minn. Stat. § 340A.285, as the same may be amended from time to time.
- (d) All other provisions of Minn. Stat. § 340A.24, as the same may be amended from time to time, shall be applicable to such licenses and licensees.

Section 3. EFFECTIVE DATE. This ordinance shall take effect after its adoption and second publication.

VOTE: ____ ALVARADO ____ ASMUS ____ DAVIS ____ FAGERLIE
____ MUESKE ____ NELSEN ____ PLOWMAN ____ SCHWANTES

This Ordinance introduced by Council Member: Plowman

This Ordinance introduced on: November 4, 2019

This Ordinance published on: November 8, 2019

This Ordinance given a hearing on: _____

This Ordinance adopted on: _____

This Ordinance published on: _____